





# THE COMMONWEALTH

## KENTUCKY LEGISLATURE.

### IN SENATE.

Monday, Feb. 15, 1853.  
NIGHT SESSION.

The Senate resumed the consideration of the Kansas resolution and substitute.

The question was upon ordering the previous question, and it was ordered by yeas 19, nays 15.

The vote was then taken upon the adoption of the substitute and it stood thus:

Yeas—Messrs. Speaker, (King,) Andrews, Bledsoe, Brunner, Buckner, Edwards, Gillis, Hays, Howard, Irvine, Mallory, McKee, Ripley, Sudduth, Taylor, Wait, Whitaker, Williams, Wright—19.

Nays—Messrs. Cosby, Darnaby, Fisk, Garrard, Grover, Grundy, Headley, Matthews, McBrayer, Porter, Read, Rust, Silvertooth, Walker, Wilson, Walton—16.

And the substitute was adopted.

Mr. GROVER offered the following amendment to the substitute:

*Resolved*, That the Lecompton constitution having been adopted by a convention legally appointed by the people of the territory of Kansas is presumed to embody the wishes of a majority of the people of said territory.

Mr. FISK moved the previous question upon the amendment to the substitute.

The question was raised as to whether the amendment was in order, the previous question having been sustained on the substitute.

Mr. TAYLOR (who was in the Chair) thought it was in order.

Mr. BUCKNER appealed from the ruling of the Chair.

Mr. TAYLOR reconsidered his decision after debate and ruled the amendment of Mr. GROVER out of order.

The resolutions as amended by the substitute of Mr. WHITAKER were then adopted by the following vote, viz:

Yeas—Messrs. Speaker (King,) Andrews, Bledsoe, Brunner, Buckner, Edwards, Gillis, Hays, Howard, Irvine, Mallory, McKee, Ripley, Sudduth, Taylor, Wait, Whitaker, Williams, Wright—19.

Nays—Messrs. Cosby, Darnaby, Fisk, Garrard, Grover, Grundy, Headley, Matthews, McBrayer, Porter, Read, Rust, Silvertooth, Walker, Walton, Wilson—16.

### ORDERS OF THE DAY.

A resolution authorizing the Governor to amend an enrolled bill to establish Jackson county; [to correct the name of a creek;] adopted.

A bill for the benefit of Miles Greenwood having been rejected and reconsidered, it came up in the orders of the day.

A debate ensued upon this bill in which several Senators took part.

Mr. SPRANKA (King,) offered a substitute appointing Judge Robertson and R. W. Woolley as commissioners to audit the claim and report to the next General Assembly.

Mr. GARRARD moved the previous question; ordered.

The vote was then taken upon the substitute and it was adopted, yeas 23, nays 9.

The bill as amended was then passed.

A bill to amend the law in relation to settlements by guardians; was then taken up and passed.

A Senate bill providing a general mechanics' lien law, had passed the H. R. with amendments; the amendments were amended and then as amended concurred in.

A bill to authorize the voters of the county of Washington to vote on a question of a removal of the county seat.

Mr. GRUNDY offered an amendment to the bill which was adopted; and the bill then passed.

A bill amending the laws in relation to roads and passways.

Mr. WHITAKER offered an amendment as a substitute.

The amendment was rejected, and the bill then laid on the table.

A bill in relation to tuition at the common schools; passed.

A bill for a special term of the Livingston circuit court; passed.

### LEAVE TO BRING IN A BILL.

Mr. MALLORY—a bill to charter the Portland savings company; Judiciary.

### REPORT OF ENROLLMENTS.

Mr. WALTON from the committee on Enrollments reported sundry bills correctly enrolled and they were signed by the SPEAKER.

The Senate at 25 minutes past 10 o'clock P. M. adjourned.

TUESDAY, Feb. 16, 1853.

Prayer by the Rev. Mr. THARP, of the Baptist church.

The reading of the journal was dispensed with.

### A MESSAGE FROM THE H. R.

Was received announcing the passage of a number of bills, some of which originated in the Senate; for the titles of these bills see H. R. proceedings of yesterday.

### AID TO INTERNAL IMPROVEMENT.

Mr. FISK reported (under instructions) from a special committee a bill to extend state aid to railroads and turnpikes; ordered to be printed and made the special order for this day at 3 o'clock P. M.

### REPORT OF ENROLLMENTS.

Mr. WALTON from the committee on Enrollments reported sundry bills correctly enrolled, which were then signed by the SPEAKER.

### SENATE APPOINTMENT BILL.

A MESSAGE FROM THE H. R.

Was received announcing the passage of the Senate appointment bill with an amendment.

### REPORTS OF COMMITTEES.

Mr. BUCKNER, Judiciary—a bill for the benefit of the Providence Bank of Rhode Island; [to pay for lost coupons on State bonds;] passed.

Same—a bill to amend the charter of the Eminence mutual insurance company; passed.

Same—a bill for the benefit of the town of Bowlinggreen; passed.

Same—a bill to charter the Owensboro printing company; passed.

Same—a bill to incorporate the Little river association; passed.

Same—a bill in relation to fees for taking depositions; passed.

Same—a bill to empower the trustees of the Dallas Baptist church to sell and convey lands; passed.

Same—a bill for the benefit of R. M. Leach; passed.

Same—a bill for the benefit of Stokes, Hughes & Plover of London, England; [to pay for lost coupons on State bonds;] passed.

Same—a bill for the benefit of McCreck S. O'Neal of Woodford county; passed.

Same—a bill to authorize the Frankfort Methodist church to sell their old church lot; passed.

Same—a bill for the benefit of Isaac A. Stewart; passed.

Same—a bill for the benefit of the Louisville and Frankfort railroad company and Lexington and Frankfort railroad company; passed.

Same—a bill to charter the Superior council of the I. O. R. M.; passed.

Same—asked discharge from a remonstrance of citizens of Columbia, discharged and the remonstrance was withdrawn by Mr. SILVERTOOTH, by leave of the Senate.

Same—a bill to establish a State road from Paducah to Hopkinsville; with opinion it should not pass.

Mr. MATTHEWSON offered an amendment to the bill; adopted, and the bill as amended passed.

Mr. BUCKNER, Judiciary—a bill to amend the Casey circuit court; passed.

Same—a bill to pay T. S. Theobald the amount due him by the State of Kentucky; passed by yeas 23, nays 2.

Same—a bill amending the city charter of Frankfort; passed.

Mr. ANDREWS, Judiciary—a bill to charter the Portland savings institution.

Mr. FISK offered an amendment.

Mr. MALLORY opposed the amendment, and earnestly advocated the bill at considerable length.

The vote was then taken upon the amendment by yeas and nays, and resulted as follows: yeas 14, nays 21, and the amendment was rejected.

Mr. GROVER offered an amendment which was adopted.

The bill was then passed by yeas 23, nays 13.

Mr. ANDREWS—a bill to charter the town of Newroe; passed.

Same—a bill to amend the charter of Elkton; passed.

Mr. RIPLEY, Judiciary—a bill to amend the charter of the city of Henderson; passed.

Same—a bill to provide for a jury system for the Louisville city court; passed.

Same—a bill to amend the charter of the city of Louisville; passed.

Same—a bill to charter the Merchant's Deposit Bank.

Mr. GROVER moved three amendments; one limiting the charters to 10 years, the second to make stock holders personally reliable to depositors, and the third to reserve the right to repeal the charter.

Mr. HAYCRAFT offered an amendment to the first amendment to strike out 10 and insert 20 years; but withdrew it upon solicitation.

The first amendment of Mr. GROVER's was rejected by yeas 10, nays 21.

The second amendment was rejected by yeas 13, nays 17.

Mr. RIPLEY moved to amend the third amendment by inserting "after the year 1874" as the time the charter may be repealed; rejected by yeas 13, nays 15.

The third amendment was then adopted by yeas 27, nays 1.

The bill was amended by limiting the charter to 20 years.

A bill to amend the charter of the Farmers Bank by taxing the surplus contingent fund, by consent of the stockholders; passed.

REPORTS—RESUMED.

Mr. BUCKNER, Judiciary—a bill for the benefit of Samuel D. Hunt and J. B. McCormick; action on it out of the orders of the day.

GAUERS OF THE DAY.

A Senate bill for the benefit of examining courts in this commonwealth; amended by the H. R.; amendments disagreed to.

MOTIONS.

Mr. WALTON moved to suspend the rules to take up the Senate appointment bill amended by the H. R.; negatively by yeas 19, nays 14; it requiring two-thirds to suspend.

Mr. PORTER moved to suspend the rules to act on his motion for a committee of conference on the appointment bill; negatively by yeas 19, nays 15; it requiring two-thirds.

On motion of Mr. IRVINE, a bill to amend the law in relation to the pay of Wm. Chenault, deceased; was taken up and adopted.

ORDERS RESUMED.

A Senate bill to amend the charter of the South-western agricultural and mechanical association; amended by the H. R.; amendments concurred in.

A bill to charter the Mackville and Springfield turnpike road company; passed.

A Senate bill to exempt hired slaves from attachment and execution for debt of hire; amended by H. R.

Amendment concurred in.

A Senate bill concerning the Southern bank of Kentucky, was amended by the H. R.; amendments concurred in.

A Senate bill to provide for building a fireproof clerks office in Logan county; H. R. amendments concurred in.

A Senate bill to create an additional voting place in the Frankfort precinct in Franklin county.

Mr. PORTER presented a petition for, and a remonstrance against the bill.

The bill was then rejected by yeas 14, nays 19.

A bill from the H. R. amending the amendment to the Frankfort city charter, [making it take effect from the passage;] was taken up and passed.

A bill to empower the presiding judge of Campbell county to sell the poor-house lands; passed.

A bill to amend the charter of the Bank of Ashland; was amended by the H. R.; the Senate refused to concur in the amendment.

A bill for the benefit of Henry Forbes; passed.

A bill to charter the Bethel female high school; passed.

A bill increasing the November term of the Muhlenburg circuit court; passed.

A bill to reduce into one the several acts in relation to Madisonville; passed.

A bill to provide pay for red fox scalps; [allow \$2 for each scalp.]

Before action on it.

The Senate took a recess until 3 o'clock, P. M.

AFTERNOON SESSION.

SPECIAL ORDER FOR 3 O'CLOCK.

A bill to extend State aid to railroads and turnpikes; passed.

ORDERS OF THE DAY.

A bill to authorize the settlements of certain estates, &c., in Taylor county; passed.

A bill to pay for red fox scalps; [\$2 each allowed.]

Mr. GRUNDY offered an amendment as a substitute, which repeals all laws allowing compensation for the scalps of red foxes.

A spirited debate arose on the bill in which a number of Senators took part.

Mr. WRIGHT moved the previous question; ordered by yeas 16, nays 15.

The amendment was then rejected.

And the bill passed, by yeas 23, nays 10.

A bill to amend the law chartering the town of Keokuk; passed.

A bill for the benefit of J. R. Hughes, of Union county; passed.

A bill in relation to fees of jailers against the United States; passed.

A bill to charter the Hopkinsville and Princeton turnpike company; passed.

A bill to compensate agents of this State for reclaiming fugitives from justice; passed.

A bill to authorize the court of appeals to condemn records sent up from inferior courts; the bill was passed.

A bill to charter the town of Ripleyville; passed.

MOTION TO SUSPEND RULES.

Mr. PORTER moved to suspend the rules to enable him to move that a committee be appointed to confer with a committee of the H. R. in relation to appointment.

The vote upon a suspension stood, yeas 20, nays 17.

And the rules were not suspended.

Mr. PORTER then moved to suspend the rules to take up the Senate appointment bill which had been amended by the H. R., with theirs as a substitute.

The rules were suspended, yeas 24, nays 12.

APPORTIONMENT.

The bill from the Senate to apportion representation in the State, with the substitute adopted by the H. R. was taken up.

[The substitute is the same bill passed heretofore by the H. R. Both the Senate and H. R. bills have been heretofore published in our paper.]

The yeas and nays were taken upon concurring in the H. R. substitute, and stood thus:

Yeas—Messrs. Cosby, Darnaby, Fisk, Garrard, Grover, Headley, Martin, Matthewson, Mc-

Brayer, Porter, Read, Rust, Smith, Walker, Walton, Wilson—16.

Nays—Messrs. Speaker, (King,) Andrews, Bledsoe, Brunner, Buckner, Edwards, Gillis, Hays, Howard, Irvine, Mallory, McKee, Ripley, Sudduth, Taylor, Wait, Whitaker, Williams, Wright—19.

And it was rejected.

### ORDERS—RESUMED.

A bill to authorize the appointment of deputy clerks to take acknowledgment of *feces covert*; laid on the table.

A bill to amend chap. 6, of the revised statutes in relation to bastardy; passed.

### RESOLUTION.

Mr. SILVERTOOTH offered a resolution in relation to indexing and side noting the General Laws amending the revised statutes and codes, &c., service to be performed by the attorney general; and allowing him pay for the service; adopted.

### GEOLOGICAL SURVEY.

A message was received from the H. R. announcing the passage of the bill to continue the geological survey; with amendments.

### REPORT OF ENROLLMENTS.

Mr. GARRARD from the committee on Enrollments reported a number of bills correctly enrolled which were signed by the SPEAKER.

### APPORTIONMENT—CONFERENCE.

A message was received from the H. R. by Mr. KELLEY notifying the Senate that they insist upon their substitute to the apportionment bill and requesting a committee of conference on the disagreement of the two Houses.

Mr. GROVER moved to suspend the rules to enable him to move the appointment of a committee; negatively by yeas 23, nays 13.

Mr. SUDUTH moved a reconsideration of the vote; carried.

The vote was again taken upon dispensing and stood yeas 17, nays 18, and the rules were not suspended.

A MESSAGE FROM THE GOVERNOR.

Was received by the hands of Mr. Biss, assistant Secretary of State, announcing his approval of sundry bills which originated in the Senate.

### ORDERS—RESUMED.

A bill to charter the town of Airdrie; passed.

A bill to extend the limits of the town of Livermore; passed.

A bill in relation to free negroes; referred to the Judiciary committee.

A bill to authorize the Barren county court to take stock in the Barren county railroad; passed.

A bill to amend section 3, article 7, chapter 28, revised statutes, title "arson;" passed.

A bill to charter the Lieder Crammer society, of Louisville; passed.

A bill to charter the Benevolent society of the United Sons of Erin; passed.

A bill to declare the offices of circuit judge and chancellor incompatible with law professor in any college; rejected.

A bill for the benefit of Gordonville lodge No. 217 of Free and Accepted Masons; passed.

A bill to charter the Allensville Masonic stock company; passed.

A bill concerning mileage of witnesses; passed.

A bill to authorize justices to appoint special agents to execute process; passed.

A bill to amend section 1, article 17, chapter 28, of the revised statutes, title "crimes and punishments;" rejected.

A bill to repeal part of chap. 34, of the revised statutes, title "eschews and escheators;" passed.

A bill to charter the Rumsey and Cypress turnpike road company; passed.

A bill to charter the Jeffersonville and Stanton turnpike road company; passed.

A bill to charter the Muhlenburg agricultural society; passed.

A bill to charter Corinthian lodge, No. 74, I. O. O. F.; passed.

A bill to amend the act to create the inspector of lumber in the city of Louisville; passed.

A bill to amend the charter of 1st German church in Louisville; passed.

A bill declaring it unlawful for a county judge or clerk to be appointed an executor, administrator, or guardian in his county; passed.

A bill to regulate the valuation of property assessed for taxation; laid on the table.

A bill to allow a police judge and marshal in the town of Franklin; passed.

A bill to regulate taxation in Madison county for Internal Improvements; amended and passed.

A bill for the benefit of school district No. 62 in Muhlenburg county; passed.

A bill to amend the charter of the Bank of Kentucky; passed.

A bill to amend an act approved March 1850, concerning the penitentiary; [allows some other building, and for a sewer;] passed.

A bill amending the law in relation to the marshal of Princeton; laid on the table.

A bill to change the time of electing justices and constables, [changes time to Aug.;] laid on the table.

A bill to amend the charter of Cynthia; passed.

A bill for the benefit of John Padgett; passed.

A bill to amend chap. 30 of the revised statutes; laid on the table.

A bill making it a felony to steal valuable goods in Louisville; rejected.

A bill in relation to the Falmouth seminary.

Mr. TAYLOR offered a substitute for the bill.

Mr. GARRARD moved the previous question; ordered.

Mr. HOWARD moved that the bill and substitute be laid on the table; negatively yeas 12, nays 22.

The substitute was rejected and the bill passed.

A bill for the benefit of the assessor of Hickman county; passed.

A bill to allow the sale of part of the public square in Kenton; passed.

A bill to establish the town of Hardyville; referred to a committee.

A bill to transcribe records in Harlan county surveyor's office; passed.

A bill to change courts in Lawrence; passed.

A bill to transfer records from Hickman to Fulton county; passed.

A bill for the benefit J. W. Cruise of Crittenden county; laid on the table.

A bill to increase the salary of the assistant secretary of State; passed.

A bill to authorize the Governor to have a cipher made in the State House square, passed by yeas 31, nays 2.

A bill to provide for erecting a fire proof room for the records of the register's office; passed by yeas 31, nays 2.

A bill in relation to the public treasury; passed.

A bill for the benefit of Uriah Winchel; passed.

A Senate bill for the encouragement of the fine arts; passed.

A Senate bill to continue the geological survey; having been amended by the H. R.; the first amendment reducing the amount for two years to \$25,000; and it was adopted.

The second amendment was also concurred in.

A bill to allow Jno. Gearen to peddle without license; was amended by the Senate by a substitute as a general law; the H. R. amended the substitute.

Mr. McKEE moved to lay the bill and H. R. amendment on the table; decided out of order.

The amendment of the H. R. was concurred in by yeas 20, nays 12.

A Senate bill for the benefit of S. D. Hunt & J. B. McCormick; passed.

Mr. GROVER moved to lay the bill on the table; carried yeas 19, nays 12.

### REPORTS OF BILL.

Mr. SMITH—a bill to charter Henry county mutual insurance company; passed.

Mr. BUCKNER, Judiciary—a bill to charter the Kentucky river navigation company.

Mr. IRVINE moved an amendment; adopted.

Mr. GARRARD offered an amendment, exempting boats starting above slack water, from tolls as far down as Frankfort.

The amendment was rejected, by yeas 10, nays 20.

The bill was then passed as amended, by yeas 21, nays 6.

Mr. BUCKNER, Judiciary—a bill to establish additional voting places in the city of Louisville; with the opinion it should not pass.

Mr. MALLORY moved to lay the bill on the table; carried by yeas 19, nays 16.

Same—a bill to charge the inhabitants of the city of Frankfort with county levy; passed.

Same—a bill to repeal the act annexing the town of South Frankfort to the city of Frankfort; postponed until to-morrow.

Mr. ANDREWS, Judiciary—a bill to amend concerning free negroes; laid on the table.







